

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 18, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of May 18, 2004, was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Hitchcock (left at 8:30 a.m.), Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

B. REGULAR CALENDAR

B-1 “Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$313,529.16)” was ***continued to May 19, 2004, at 7:00 p.m.***

B-2 “City Council discussion and direction regarding Assembly Bill 2476 (Wolk) concerning the expansion of the Delta Protection Commission land use authority”

Community Development Director Bartlam stated that Assembly Bill 2476 would amend the Delta Protection Commission’s authority with regard to lands that are in the primary and secondary zones of the Delta. All of the City’s White Slough Water Pollution Control Facility is within the secondary zone. The bill attempts to place more emphasis on the secondary zone and its importance to the Delta as a whole. Language in the bill requires the Commission to identify those lands in the secondary zone, which under the Commission’s review, would have impact to the primary zone if those lands were to be developed. He noted that development in the secondary zone is allowed presently. The bill calls for more special interest membership on the Delta Protection Commission having served agricultural, environmental, or recreational interests. Currently the Commission is comprised primarily of Reclamation District members.

Mr. Bartlam noted that both he and Public Works Director Prima reviewed AB 2476 and do not believe there is necessarily an impact to the White Slough property. There is a larger impact to other cities, with the issue being loss of local control over their general plan and land use authority. For that reason, staff recommends that Council oppose the bill. Further he stated that the bill creates another state mandate and layer of review that does not exist today for communities around the Delta. He reported that there will be a conference call on Thursday involving all the cities with jurisdiction around the Delta, so that the League of California Cities can ascertain what their involvement ought to be in this matter.

Mayor Pro Tempore Beckman felt that the operative language that affects Lodi is that the existing authority of the Delta Commission would change so that if a person were to appeal to the Commission an action that the City took at the White Slough facility, the Commission could require the City to modify its action to conform with their findings.

In response to Council Member Hitchcock, Mr. Bartlam acknowledged that another benefit to opposing the bill is that the more development that Tracy and Stockton can do within their boundaries near the Delta, the less likely they will be looking at land to develop north of Eight Mile Road.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Beckman, Hansen second, unanimously directed staff to prepare a formal letter of opposition to Assembly Bill 2476 to be signed by Mayor Hansen.

C. CLOSED SESSION

At 7:15 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 8:34 a.m.

D. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:34 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed the following actions.

In regard to Items C (a) through (e), no reportable action was taken.

In regard to Item C (f), the City Council approved negotiation of a contract to be brought back for final approval.

MOTION TO ADJOURN MEETING:

The City Council, on motion of Mayor Hansen, Beckman second, adjourned the meeting to Wednesday, May 19, 2004, at 7:00 p.m., to discuss Items B-1 and C (a) through (f). The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:35 a.m. to Wednesday, May 19, 2004, at 7:00 p.m.

ATTEST:

Susan J. Blackston
City Clerk